

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Petition for Waiver of)	
FCC Filing Deadline for Request for Deadline)	
Extension)	
)	
Burbank Unified School District)	CC Docket No. 02-6
("Burbank", BEN 143567)	
)	
Schools and Libraries Universal Service)	
Support Mechanism)	

**Petition for Waiver of
FCC Filing Deadline for Request for Deadline Extension
RE: FCC Form 500 BEN 143567**

I. INTRODUCTION AND SUMMARY

The Burbank Unified School District ("Burbank") serves middle to low income pre-kindergarten through Grade 12 children in the city of Burbank, CA. Since 2001, "Burbank" has been a small but successful participant of the E-Rate program. The "Burbank" submitted an Implementation Deadline Extension Request for FCC Form 471 1028240, using FCC Form 500 Funding Commitment Adjustment Request Form submitted using the "Submit a Question" portal of the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company's ("USAC") website, on January 11, 2018. We filed our Form 500, after the Implementation Deadline Extension Request filing deadline of September 30, 2017.

II. BACKGROUND

Our District was in the middle of implementing a variety of projects (E-Rate and non E-Rate local Bond work) at the same time. We only had one summer to complete this work and had multiple Service Substitutions and extensions pending for the various E-Rate funding years. We were managing the implementation of five FRNs covering 2 funding years through contract extensions and deadline extensions and service substitutions as project delays relating to our Bond implementation and approvals intruded on our installs. We released our Project Management Firm in September 2017 and was not advised of the need of an implementation deadline extension. In the Winter of 2017 we received an updated project plan directly from our Service Provider and the projected timeline went beyond the September 30, 2017 implementation deadline. The scope included products and services associated with our expired E-Rate funded application and we were not alerted to this prior to the deadline by our management team. Our extension request would have been approved if it had been filed timely (prior to the September 30, 2017 deadline) and we would have made sure the Form 500 filing was completed prior to the deadline had we been aware of the need for additional time. We immediately prepared and filed our implementation deadline using the FCC Form 500 (See Attachment A1). We received notification of review from USAC staff via email (See Attachment A2). Upon receipt, we replied to the reviewer's request for additional information (See Attachment A3). After consideration, USAC denied our request in full stating that the request had been filed after the deadline implementation deadline (See Attachment A4). We understand that USAC is unable to waive program rules where deadlines are concerned so we are seeking to appeal directly to the FCC for this consideration.

Past FCC Ruling

FCC

DA 17-1217

December 29, 2017

The Order and Order on Reconsideration reviewed 22 requests from petitioners seeking review of decisions made by USAC under the E-Rate program. One of these petitioners was seeking a waiver on the Implementation Deadline Request deadline. This request was granted for this petitioner. King George County Schools in Virginia was granted the waiver and the justification was based upon a decision for "*Request for Waiver by Jemez Pueblo Tribal Consortium; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 17-1179, at 4-6, paras. 7-11 (WCB Dec. 6, 2017), 2017 WL 6261543 (granting a waiver of the deadline to request an extension of the deadline to complete construction and use a self-provisioned network by the end of the funding year when the extension request would have been granted if it had been timely filed, the applicant made significant, good faith efforts to extend the implementation deadline, and there was no evidence of waste, fraud, or abuse)."

Form 471 and associated FRNs with Vendors affected:

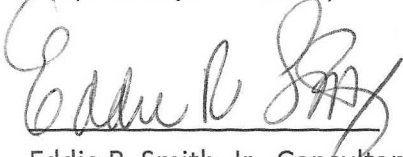
Form 471: 1028240

FRN: 2819058 Service Provider: Dimension Data (formerly Nexus IS)

II. Request

The Burbank Unified District respectfully petitions the Commission to request a waiver of the Implementation Deadline Extension Request filing deadline on behalf of the Burbank Unified District to allow the submission, review and approval of their Implementation Deadline Extension request made on FCC Form 500 for Application Number 1028240, due to overwhelming workload and clerical errors caused by project management changes.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Eddie R. Smith, Jr.", written over a horizontal line.

Eddie R. Smith, Jr., Consultant
Burbank Unified School District
1900 W. Olive Avenue
Burbank, CA 91506
(818) 729-3400
eddiesmith@burbankusd.org

Dated: March 30, 2018

FCC Form 500

Do Not Write In This Area Estimated time per response:

OMB Control No. 3060-0853

1 hours

**Universal Service for Schools and Libraries
Funding Commitment Adjustment Request Form**

Please read instructions before completing.

(To be completed by schools, libraries or consortia.)

For FY2015 and earlier, upload a copy of this form into the Universal Service Administrative Company's portal.**See <http://usac.org/sl/tools/apply-to-erate/default.aspx> for instructions and a link to the portal.**
 Applicant's Form Identifier: BUSDQSIEXTRON
 (Create your own code to identify THIS FCC Form 500)

 FCC Form 500 Application Number:
 (To be assigned by administrator.)
Block 1: Applicant Information

1. Name of Billed Entity Burbank Unified School District		2. Billed Entity Number 143567	3. Funding Year 2015
4. Complete Mailing Address of Billed Entity Street Address, P. O. Box or Route Number			
1900 W. Olive Avenue		Burbank	CA 91506
Telephone Number (818) 729-3400	Fax Number (818) 729-3401	Email Address robertojurado@burbankusd.org	
5. Contact Person Information			
Contact Person Name Eddie R. Smith, Jr.			
Mailing Address Street Address, P. O. Box or Route Number			
510 S. Shelton Street		Burbank	CA 91506
Telephone Number (818) 729-3400	Fax Number (818) 729-3401	Email Address eddiessmith@burbankusd.org	

Type of Adjustment (Check all that apply)☒ **Block 2: Services Adjustment**☐ **Block 4: Equipment Transfer Notification**☐ **Block 3: Cancellation or Reduction of an FRN**

Billed Entity Name <u>Burbank Unified School District</u>	Contact Name <u>Eddie R. Smith, Jr.</u>
Billed Entity Number <u>143567</u>	Contact Telephone Number <u>(818) 729-3400</u>

Page 2

Block 2: Services Adjustment

Remember: The Funding Request Number(s) (FRNs) listed on this form must be for the same Funding Year as listed in Block 1, Item 3.

New Service Start Date: Complete if you wish to change the Service Start Date you listed on a previously filed FCC Form 486 in the funding year listed in Block 1, Item 3. This action will NOT increase funding.

Contract Expiration Date: Complete if the contract expiration date has changed and you wish to report the change to USAC. This action will NOT increase funding but you could combine it with a funding reduction.

Service Delivery Extension: Complete if you are requesting an extension of the deadline for delivery and installation of non-recurring services. You must submit this request to USAC on or before the September 30 following the close of the funding year. This action will NOT increase funding. **Note:** Complete the Contract Expiration Date (Item 7) also if your contract will expire prior to the installation or delivery of services.

6. Service Start Date

FCC Form 471	FRN(s)	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):

7. Contract Expiration Date

FCC Form 471	FRN(s)	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
1028240	2819058	09/30/2016	09/30/2018

Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 2A, 2B, 2C, etc. and provide the number in space provided in Block 2.

8. Service Delivery Extension Request

FCC Form 471
1028240

FRN
2819058

Certify the reason for the service delivery and installation request by checking one of the boxes below:

- ☒ The service provider was unable to complete delivery and installation for reasons beyond the service provider's control.
- ☐ The service provider has been unwilling to complete delivery and installation after USAC withheld payment for those services on a properly-submitted invoice for more than 60 days after submission of the invoice.

Billed Entity Name <u>Burbank Unified School District</u>	Contact Name <u>Eddie R. Smith, Jr.</u>
Billed Entity Number <u>143567</u>	Contact Telephone Number <u>(818) 729-3400</u>
Page 3 <u> </u>	

Block 3: Cancellation or Reduction of an FRN

Remember: The FRNs listed on this form must be for the same Funding Year as listed in Block 1, Item 3.

Cancel: Complete if you wish to cancel an FRN. This action is irrevocable and the FRN cannot be reinstated later. This action would allow money to be put back into the Universal Service Fund for possible commitment to other applicants.

Reduce: Complete if you wish to reduce the amount of your funding commitment for a particular FRN. This action is irrevocable and the FRN cannot be increased later. This action would allow money to be put back into the Universal Service Fund for possible commitment to other applicants.

Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 3A, 3B, 3C, etc. and provide the number in space provided in Block 3

9. Cancel FRN

FCC Form 471	FRN (s) (list individually)	Write in "CANCEL ALL" below if you wish to cancel all FRNs on FCC Form 471

10. Reduce FRN

FCC Form 471	FRN(s)	Original Commitment Amount from FCDL	New Commitment Amount AFTER Reduction

Billed Entity Name Burbank Unified School District Contact Name Eddie R. Smith, Jr.Billed Entity Number 143567 Contact Telephone Number (818) 729-3400 Page 4**Block 4: Equipment Transfer Notification****Remember: The FRNs listed on this form must be for the same Funding Year as listed in Block 1, Item 3.**

11. **Equipment Transfer:** Complete this section if you are transferring equipment from a closed entity to other eligible entities within three years of the date of purchase. Both the transferring and receiving entities must maintain detailed records documenting the transfer and the reason for the transfer for at least ten years (or whatever retention period is required by the rules in effect at the time of this certification).

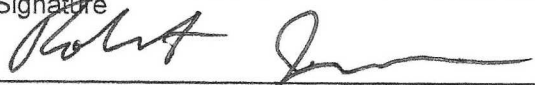
Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 4A, 4B, 4C, etc. and provide the number in space provided in Block 4

FCC Form 471		FRN
Closed Entity Number		Closed Entity Name
Purchase Date	Transfer Date	Transfer Reason
<input type="checkbox"/> Check here if transfer is temporary. Enter projected return date _____		
List all entities receiving the equipment. Receiving Entity(s) Number(s)	Receiving Entity Name (s)	Equipment Received Equipment name, make and model

Billed Entity Name	<u>Burbank Unified School District</u>	Contact Name	<u>Eddie R. Smith, Jr.</u>
Billed Entity Number	<u>143567</u>	Contact Telephone Number	<u>(818) 729-3400</u>

Block 5: Certification

12. I certify that I am authorized to submit this form on behalf of the above-named billed entity that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
13. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services.
14. I will retain for at least ten years (or whatever retention period is required by the rules in effect at the time of this certification), after the later of the last day of the applicable funding year or the service delivery deadline for the funding request, (1) any and all records that I rely upon to complete this form and (2) all documents necessary to demonstrate compliance with the statutory or regulatory requirements for the schools and libraries universal service support program. I recognize that I may be audited pursuant to this application and the applicant must produce such records as required by 47 C.F.R. § 54.516.

15. Signature 	16. Date <u>1/11/18</u>
17. Printed name of authorized person Roberto Jurado	
18. Title or position of authorized person Director of Instructional Technology and Educational Support	
19. Telephone number of authorized person (818) 729-3405	
20. Email address of authorized person robertojurado@burbankusd.org	
21. Address of authorized person 510 S. Shelton Street, Burbank CA 91506	
22. Name of Authorized Person's Employer Burbank Unified School District	

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Act Project (3060-0853), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0853.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

A copy of this form, with an authorized signature in Block 5, Item 15 should be uploaded into the Universal Service Administrative Company's online portal. Information on filing in the portal may be found here: <http://usac.org/si/tools/apply-to-erate/default.aspx>

ATTACHMENT A2

From: Schmits, Allison Allison.Schmits@sl.universalservice.org
Subject: Service Deadline Extension Request; Case 22-961491, FRN 2819058
Date: February 27, 2018 at 10:53 AM
To: eddiesmith@burbankusd.org, Eddie R Smith@1-818-729-3401 IMCEAFAX-Eddie+20R+20Smith+401-818-729-3401@solixinc.com

AS

February 27, 2018

Eddie R. Smith Jr.
Burbank Unified School District

Subject: Deadline Extension Request; Case # **22-961491**
Form 471# 1028240
FRN: 2819058

RESPONSE DUE DATE: **March 6, 2018**

Please see the attached Form 500.

The Deadline Extension team is in the process of reviewing your request received on 1/11/2018. In order to continue the review of this request, we need the following additional information:

I. If your request is for implementation (service delivery) extension, on the FCC Form 500, you indicated "The service provider was unable to complete delivery and installation for reasons beyond the service provider's control." Please describe in detail the circumstances that were beyond the service provider's control.

Please provide this information to me as soon as possible within the next 7 calendar days (by **End of Day Tuesday, March 6, 2018**). In order to expedite the review, please refer to Case # **22-961491** in your correspondence. Failure to respond within this period may result in a dismissal of your request without further notification. If you have any questions, please contact me within this 7 day period.

Thank you for your cooperation and continued support of the Universal Service Program.

Allison Schmits-Allwood
Case Management Associate - Case Management - Schools & Libraries
USAC, Schools and Libraries Program
O: (973) 581-5222 | F: (973)-599-6523
Email: Allison.Schmits@sl.universalservice.org

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PDF



Burbank USD
FRN 28...91.pdf

From: Eddie R Smith Jr. erscconsulting@gmail.com
Subject: Re: Service Deadline Extension Request; Case 22-961491, FRN 2819058
Date: March 6, 2018 at 1:10 PM
To: Schmits, Allison Allison.Schmits@sl.universalservice.org
Cc: Eddie Smith EddieSmith@burbankusd.org

Good morning Allison,

Thank you for looking into this for us. Here's what's going on:

Our Service Provider was unable to deliver and install our products because the locations for installation were not made available on schedule due to facilities changes and construction delays. We have an implementation project going on throughout the district and we are using two separate providers to complete this work. One service provider is providing the hard-wired network infrastructure (cabling) which also includes cabinets, punch blocks and power and we are using the subject provider (Nexus IS) to provide and install the network electronics. When our cabling vendor experienced delays, it set back the timeline for all installations that followed. We had changes in the scope of work also due to facilities issues discovered during construction. The desired location for a number of the IDFs were not suitable because of construction (walls and materials) as well as distance limitations. This necessitated the network design changes, changes in location for the communications cabinets and new services being pulled and installed to those new locations. Since our provider has to follow the cabling installation, the delays caused them not to be able to install and configure the equipment within the implementation deadline.

Our cabling vendor is back on track and we expect the cabling infrastructure to be completed shortly. Nexus IS is ready to delivery and install our devices the moment the locations are ready. At that time, we'd like for Nexus IS to complete the delivery and installation of our network electronics. These delays were well out of the control of our provider and we need the additional time to have this network completed and available to our students and teachers.

Thank you, again, for help with this.

Eddie Smith
661-816-9096 – ph
661-224-9376 - fax

From: "Schmits, Allison" <Allison.Schmits@sl.universalservice.org>
Date: Tuesday, February 27, 2018 at 10:53 AM
To: "eddiessmith@burbankusd.org" <eddiessmith@burbankusd.org>, "Eddie R Smith@1-818-729-3401" <IMCEAFAX-Eddie+20R+20Smith+401-818-729-3401@solixinc.com>
Subject: Service Deadline Extension Request; Case 22-961491, FRN 2819058
Resent-From: <eddiessmith@burbankusd.org>

February 27, 2018

Eddie R. Smith Jr.
Burbank Unified School District

Subject: Deadline Extension Request; Case # **22-961491**
Form 471# 1028240
FRN: 2819058

RESPONSE DUE DATE: **March 6, 2018**

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Please provide this information to me as soon as possible within the next 7 calendar days (by **End of Day Tuesday, March 6, 2018**). In order to expedite the review, please refer to Case # **22-961491** in your correspondence. Failure to respond within this period may result in a dismissal of your request without further notification. If you have any questions, please contact me within this 7 day period.

Thank you for your cooperation and continued support of the Universal Service Program.

Allison Schmits-Allwood
Case Management Associate - Case Management - Schools & Libraries
USAC, Schools and Libraries Program
O: (973) 581-5222 | F: (973)-599-6523
Email: Allison.Schmits@sl.universalservice.org

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ATTACHMENT A4



Schools and Libraries Division

Administrator's Decision on Implementation Extension Request

March 26, 2018

Eddie Smith
Eddie R. Smith Consulting
190 Sierra Court Suite B112
Palmdale, CA 93550

RE: Burbank USD

FCC Form 471 Application Number: 1028240
Funding Request Number(s): 2819058

Your Correspondence Dated: January 11, 2018

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your implementation extension request. This letter explains the basis of USAC's decision. The date of this letter begins the 60-day time period for appealing this decision. If your request included more than one FRN, please note that for each FRN you may receive a separate determination letter.

Decision on Request: **Denied in full**

Explanation: Request received after the FCC deadline for Implementation Deadline Extension requests which was 09/30/2017.

In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances.

TO APPEAL THIS DECISION

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - appellant name
 - applicant and service provider names, if different than appellant
 - applicant BEN and service provider SPIN
 - **<insert application or form number>** as assigned by USAC
 - Funding Request Number(s) (FRNs) you are appealing if provided in the letter
 - **<insert name of the letter and funding year - both are located at the top of the letter>** AND
 - the exact text or the decision that you are appealing.
3. Please keep your letter to the point and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the "Schools and Libraries" section of the USAC website.

Schools and Libraries Division
Universal Service Administrative Company

cc: Adrina Lazarian, Nexus IS, Inc.

Adrina Lazarian, Nexus IS, Inc.
27202 W. Turnberry Lane
Suite 100
Valencia, CA 91355